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10/601,468	06/23/2003	Alex J. Draughon	60655.1200	7233
66170 7590 09/16/2010 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202				
EXAMINER PICH, PONNOREAY				
ART UNIT 2435		PAPER NUMBER		
NOTIFICATION DATE 09/16/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM

DMIER@SWLAW.COM

JESLICK@SWLAW.COM

Office Action Summary

Application No.

10/601,468

Applicant(s)

DRAUGHON ET AL.

Examiner

Ponnoreay Pich

Art Unit

2435

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/10 has been entered.

Claims 1-7 and 9-20 are pending and were examined.

Response to Amendment and Arguments

Applicant's amendments were fully considered. Applicant's arguments directed at the amended claims were also fully considered, but are moot in view of new rejections made below.

Claim Objections

Claim 1 is objected to because of the following informalities:

1. "a message" and "the message" in lines 2 and 3 respectively of claim 1 should be "a primary message" and "the primary message".
2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 9-10, 12-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janacek et al (US 6,684,248) in view of Poplawski et al (US 2003/0208441) in further view of Choubey et al (US 7,305,430) in further view of Choksi (US 7,477,243).

Claims 1 and 20:

As per claim 1, Janacek discloses:

1. Associating, by a computer based system for facilitating access to messages, a message with a first intended recipient by a first identifier (i.e. NuID or email address of the recipient as identified by the toEmail field in the table seen in column 13), wherein the message is stored for retrieval in a common storage area of a database (Fig 1, database 13; col 3, line 66-col 4, line 2; col 4, line 26-29; col 4, lines 46-60; col 6, lines 5-9; col 8, lines 42-51; and col 12, line 59-col 13, line 67). *Note that the message database, i.e. CMMSg Database discussed in cited columns 12-13, is capable of holding messages that are addressed to a recipient identified by the toEmail field and messages that were also sent to other users identified by the ccEmail and bccEmail fields. This message database is used to store all messages. One skilled should appreciate that email messages could be sent to a single user or multiple users, thus since Janacek's message*

database is capable of keeping track of both types of messages, and his message database is used to store all messages, his message database is used to store both single-recipient and multiple-recipient messages in a common storage area.

2. Notifying, by the computer based system, the first intended recipient of the primary message stored in the database using a notification message (i.e. email message) generated by a processing device, wherein the notification message contains an address of or a link to a website, by transmitting the notification message to the first intended recipient (col 5, lines 7-12; col 8, lines 64-67; and col 10, lines 1-5).
3. Providing, by the computer based system, the website for the first intended recipient to view the primary message (col 5, lines 13-36).
4. Authenticating, by the computer based system, the first intended recipient using a second identifier associated with the intended recipient (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).
5. Searching, by the computer based system, primary messages stored in the common storage area of the database to find primary messages for the first intended recipient by matching the first identifier with a primary message associated with the first identifier (col 6, lines 15-18 and 27-31; col 7, lines 22-64; col 8, lines 15-17; and col 10, lines 62-67). *Messages that have not yet been processed are pre-processed by searching the messages for any messages having an email address which matches a particular recipient's email address.*

6. Providing, by the computer based system, the primary message associated with the first identifier to the first intended recipient for display by the first intended recipient (col 5, lines 33-36).

Janacek does not disclose wherein in response to no second identifier associated with the first intended recipient, the first intended recipient is prompted to create or register a second identifier. However, Poplawski discloses of a message alert system which in response no second identifier (i.e. username and password) associated with the first intended recipient, the first intended recipient is prompted to create or register a second identifier (paragraphs 29 and 38-40; and Fig 5).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Janacek's invention such that rather than automatically creating a second identifier for the first intended recipient if there is no second identifier associated with the first intended recipient, Janacek's invention instead prompted the first intended recipient to create or register a second identifier. It would have been obvious to do so because replacing the mechanism in which the second identifier is created in Janacek's invention using the one used by Poplawski's invention is simple substitution of one known element for another to obtain predictable results. Both mechanisms accomplish the same end result of creating a second identifier.

Janacek also does not explicitly disclose the primary message being stored for dynamic access by the first intended recipient and maintaining, by the computer based system, the message in the common storage area of the database for dynamic retrieval

by a second intended recipient. However, these limitations are disclosed by Choubey (col 3, lines 39-55 and col 4, lines 27-52). Note that in Choubey's invention if a message has multiple recipients (i.e. is intended for a first and second recipient), a single copy of the message is stored in a common storage area and this single message is then dynamically retrieved for both the first and second intended recipient. Note also that while Choubey's invention stores a single copy of this shared message if the total storage space needed to store a single copy of each recipient exceeds a specified value, Choubey does not limit what this size could be, thus one skilled having common sense should appreciate that any size could be set, including such that a single copy is always stored for shared messages no matter the size limit for storage.

At the time applicant's invention was made, it would have been obvious to one skilled in the art to further modify Janacek's invention such that if the (particular) primary message has multiple intended (customer) recipients, a single copy of the primary message is stored in a common storage area for dynamic retrieval as per Choubey's teachings. One skilled would have been motivated to do so because it would reduce data storage requirements associated with the email message (Choubey: col 1, lines 57-61).

The combination invention of Janacek-Poplawski-Choubey discussed above differs from the invention being claimed by applicant in that the primary message is an email message transmitted via email, while in the invention being claimed in claim 1, the primary message is not transmitted via email and dynamic access by a second intended

recipient to the primary message is provided via a website. However, Choksi discloses that email is not the only type of message that can be sent and accessed by a recipient via a website (col 2, lines 17-32). As such, from Choksi's teachings it would have been obvious to one skilled in the art to modify Janacek-Poplawski-Choubey's combination invention so that the primary message is a message is not transmitted via email and access to the primary message by intended recipients is provided via a website. Note that while Choksi specifically discusses fax messages being accessed via a website, one skilled having common sense should appreciate that any type of message could be accessed via a website and the primary message would have some form of first identifier which indicates who the intended recipients of the messages are. For example, for a fax message, the first identifier could be the fax number of the intended recipient instead of an email address. The rationale for why it would have been obvious to one skilled in the art to modify Janacek-Poplawski-Choubey's combination invention in the manner discussed using Choksi's teachings is so that doing so is nothing more than simple substitution of one known element for another to obtain predictable results. In this case we are only substituting the element which is used to send the primary message from something which sends emails to one which sends some other form of messages and allows access to the messages via a provided website.

Claim 20 is directed towards a system which implements the method of claim 1 and is rejected for much the same reasons. Note that Janacek, Poplawski, Choubey, and Choksi's inventions are implemented using computers and a computer network, thus a computer network communicating with a memory; a memory communicating with

a processor; and the processor, when executing a computer program is configured to execute the method as recited in claim 1 is inherent to Janacek, Poplawski, Choubey, and Choksi's combination invention since all computers have a memory and processor communicating with each other and the processor executing instruction to implement one or more methods. Note also that Janacek, Poplawski, Choubey, and Choksi's combination invention are implemented on a computer network used to send and receive messages.

Claim 9:

Janacek discloses:.

1. Associating, by a computer based system for facilitating access to primary messages, a primary message and with a first identifier (i.e. NuID and/or email address of the recipient as identified by the toEmail field in the table seen in column 13) corresponding to a first intended customer recipient, wherein the first identifier includes an account code (col 4, line 48-col 5, line 6; col 7, lines 15-17; col 8, lines 15-17; and col 13, lines 35-41—toEmail, ccEmail, and bccEmail), wherein the message is stored in a common storage area of a secured database (Fig 1, encrypted database 13; col 3, line 66-col 4, line 2; col 4, line 26-29; col 4, lines 46-60; col 6, lines 5-9; col 8, lines 42-51; and col 12, line 59-col 13, line 67).

Note that the message database, i.e. CMMSg Database discussed in cited columns 12-13, is capable of holding messages that are addressed to a recipient identified by the toEmail field and messages that were also sent to other users identified by the ccEmail and bccEmail fields. This message database is used to

store all messages. One skilled should appreciate that email messages could be sent to a single user or multiple users, thus since Janacek's message database is capable of keeping track of both types of messages, and his message database is used to store all messages, his message database is used to store both single-recipient and multiple-recipient messages in a common storage area. Message database 13 is encrypted, thus is secure.

2. Notifying, by the computer based system, the first intended customer recipient of the primary message stored in the secure database storage system by an electronic mail generated by a processing device, wherein the electronic mail contains an address of or a link to a website, by transmitting the electronic mail to the first intended customer recipient (col 5, lines 7-12; col 8, lines 64-67; and col 10, lines 1-5).
3. Providing, by the computer based system, the secure website for the first intended customer recipient to view the primary message (col 5, lines 13-36).
4. Authenticating, by the computer based system, the first intended customer recipient to view the message at the secure website using a second identifier associated with the first intended customer recipient (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24). *One skilled should appreciate that websites that require log-in are typically secure websites.*
5. Searching, by the computer based system, the primary messages stored in the common storage area of the secure database for the first identifier to find the single-recipient message associated with the first identifier to be viewed by the

first intended customer recipient (col 6, lines 15-18 and 27-31; col 7, lines 22-64; col 8, lines 15-17; and col 10, lines 62-67). *Messages that have not yet been processed are pre-processed by searching the messages for any messages having an email address which matches a particular recipient's email address.*

6. Providing, by the computer based system, the message associated with the first intended customer recipient to the first intended customer recipient (col 5, lines 33-36).

Janacek does not disclose wherein in response to no second identifier associated with the first intended customer recipient, the first intended customer recipient is prompted to create or register a second identifier. However, Poplawski discloses of a message alert system in which in response to no second identifier (i.e. username and password) associated with the first intended customer recipient, the first intended customer recipient is prompted to create or register a second identifier (paragraphs 29 and 38-40; and Fig 5).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Janacek's invention such that rather than automatically creating a second identifier for the first intended customer recipient if there is no second identifier associated with the first intended customer recipient, Janacek's invention instead prompted the first intended customer recipient to create or register a second identifier. It would have been obvious to do so because replacing the mechanism in which the second identifier is created in Janacek's invention using the one used by

Poplawski's invention is simple substitution of one known element for another to obtain predictable results. Both mechanisms accomplish the same end result of creating a second identifier.

Janacek also does not explicitly disclose maintaining, by the computer based system, the primary message in the common storage area of the secure database for dynamic retrieval by a second intended recipient. However, this limitation is disclosed by Choubey (col 3, lines 39-55 and col 4, lines 27-52). Note that in Choubey's invention if a message has multiple recipients (i.e. is intended for a first and second recipient), a single copy of the message is stored in a common storage area and this single message is then dynamically retrieved for both the first and second intended recipient. Note also that while Choubey's invention stores a single copy of this shared message if the total storage space needed to store a single copy of each recipient exceeds a specified value, Choubey does not limit what this size could be, thus one skilled having common sense should appreciate that any size could be set, including such that a single copy is always stored for shared messages no matter the size limit for storage.

At the time applicant's invention was made, it would have been obvious to one skilled in the art to further modify Janacek's invention such that if the (particular) message has multiple intended (customer) recipients, a single copy of the message is stored in a common storage area of Janacek's secure database for dynamic retrieval as per Choubey's teachings. One skilled would have been motivated to do so because it

would reduce data storage requirements associated with the email message (Choubey: col 1, lines 57-61).

The combination invention of Janacek-Poplawski-Choubey discussed above differs from the invention being claimed by applicant in that the primary message is an email message transmitted via email, while in the invention being claimed in claim 9, the primary message is not transmitted via email and dynamic access by a second intended recipient to the primary message is provided via a website. However, Choksi discloses that email is not the only type of message that can be sent and accessed by a recipient via a website (col 2, lines 17-32). As such, from Choksi's teachings it would have been obvious to one skilled in the art to modify Janacek-Poplawski-Choubey's combination invention so that the primary message is a message is not transmitted via email and access to the primary message by intended recipients is provided via a website. Note that while Choksi specifically discusses fax messages being accessed via a website, one skilled having common sense should appreciate that any type of message could be accessed via a website and the primary message would have some form of first identifier which indicates who the intended recipients of the messages are. For example, for a fax message, the first identifier could be the fax number of the intended recipient instead of an email address. The rationale for why it would have been obvious to one skilled in the art to modify Janacek-Poplawski-Choubey's combination invention in the manner discussed using Choksi's teachings is so that doing so is nothing more than simple substitution of one known element for another to obtain predictable results. In this case we are only substituting the element which is used to send the primary

message from something which sends emails to one which sends some other form of messages and allows access to the messages via a provided website.

Claim 2:

Janacek further discloses wherein the first identifier is an account code (col 4, line 61-col 5, line 1 and col 10, lines 62-67).

Claim 3:

Janacek further discloses wherein the second identifier is a combination of a user identification and a password (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).

Claims 5 and 12:

Janacek further discloses wherein the primary message includes a message portion; and an attachment file in a format that is different from a format of the message portion (col 4, lines 48-56).

Claims 6 and 13:

Janacek further discloses a step of encrypting the website to view primary messages using an encryption method (col 8, lines 23-27). SSL uses encryption.

Claims 7 and 14:

Janacek further discloses wherein the encryption method is SSL (col 8, lines 23-27).

Claim 10:

Janacek further discloses wherein the primary message includes at least one of customer account information, a financial statement, a special offer, a response to an

inquiry, and a transaction confirmation (col 4, lines 48-53; col 8, lines 64-67; and col 10, lines 7-16).

Claims 15 and 18:

Janacek, Choubey, Poplawski, and Choksi disclose all the limitations of claims 1 and 9. Poplawski further disclose providing a second address of or link to a secure webpage on the secure website, the secure webpage containing the primary message, after successfully authenticating the intended (customer) recipient (paragraphs 10, 29, 44, and 46).

Claims 16 and 19:

Janacek, Choubey, Poplawski, and Choksi disclose all the limitations of claims 1 and 9. Janacek does not explicitly disclose wherein in response to the particular primary message/the primary message having multiple intended (customer) recipients, a separate copy of the (particular) primary message is not stored in the database for each intended (customer) recipient. However, Choubey discloses the limitation (col 1, lines 55-61).

Claim 17:

Janacek further discloses wherein the second identifier is at least one of a user identification, an email address, and a password (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janacek et al (US 6,684,248) in view of Poplawski et al (US 2003/0208441) in further view of Choubey et al (US 7,305,430) in further view of Choksi (US 7,477,243) in further view of Fung et al (US 2002/0055909).

Claims 4 and 11:

Janacek does not explicitly disclose wherein the second identifier is/includes a physical characteristic of the first intended (customer) recipient identifiable by a biometric identification system. However, Fung discloses use of an identifier that is a physical characteristic of the user that is identifiable by a biometric identification system (paragraphs 148-149).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to further modify Janacek's invention such that after a user is authenticated via a password as the second identifier the first time, a biometric identification system was used in place of the password as part of the second identifier as per Fung's teachings according to the limitations further recited in claims 4 and 11. One skilled would have been motivated to do so because a biometric identifier is more secure than a password since it cannot be forgotten by the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is (571) 272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/
Primary Examiner, Art Unit 2435